

APPLICATION TO BOARD OF APPEALS

X Tel. No. _____

Appeal No. 2019-35

Date _____

X TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Daniel L. Brunner of 341 Fawn Trail

_____, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT NO. _____, DATED _____, 20____, WHEREBY THE BUILDING INSPECTOR DID DENY TO

- A PERMIT FOR USE
- A PERMIT FOR OCCUPANCY
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A CERTIFICATE OF ZONING COMPLIANCE
- AREA PERMIT

1. Applicant is the PROPERTY OWNER
 CONTRACTOR FOR THE WORK CONCERNED HEREIN
 PROSPECTIVE TENANT
 OTHER (Describe) _____

X 2. LOCATION OF THE PROPERTY 341 Fawn Trail

3. State in general the exact nature of the permission required, Requesting +10' projection off front;
Requesting 6' in front + side yard.

4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. _____, dated _____, 20____.

5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: _____

- See Attachment

B. Interpretation of the Zoning Ordinance is requested because: _____

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

Daniel L. Brunner
Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance

120-39(B) Fences shall not exceed 4' in front/side yard; Requesting 6'
Requesting to project more than 10' from front of house

2. Zoning Classification of the property concerned in this appeal R 75

3. Type of Appeal:

- Variance to the Zoning Ordinance.
- Interpretation of the Zoning Ordinance or Zoning Map
- Special or Temporary Permit or an extension thereof under the Zoning Ordinance.

Dog B

4. A statement of any other facts or data which should be considered in this appeal. Corner lot

Daniel L Brunner
341 Fawn Trail
West Seneca, NY 14224
Dlb8861@yahoo.com

May 29th, 2019

Dear Town of West Seneca,

I am writing this letter asking for permission to install a 6' fence around the perimeter of my backyard, in which part of the yard runs parallel to the street because it is a corner lot. I am also asking for permission to have the 6' fence extend 32' from the corner of the house to the sidewalk (asking for more than 10' so the fence can run along the sidewalk). There is an existing (4') fence that is in that location and I would like to install the new 6' fence in the same location. This letter will provide detailed explanations to why I am asking for these variances.

The first reason I would like to install a 6' fence along the perimeter of the backyard is for safety and protection. Although West Seneca is a safe town, I still want to have protection from anyone potentially breaking into my house. Our backyard gets dark at night, and our patio doors would be an ideal spot to break in. A 6' fence would help keep out any intruders that do not belong on the property. Also, I have a lot of valuable assets in my backyard/shed that I don't want to get stolen. Some of these assets include bikes, a BBQ grill, a small fire pit, a shed filled with expensive tools, lawn mower, snow blower, and a huge stack of firewood. I have worked hard to pay for all of these items, would be devastated if any of these were stolen. These were concerns of mine when we moved in last year, but believe that having a 6' fence along the perimeter of the backyard would give that extra protection that would make me feel more comfortable.

Also, I would like the extra protection against deer and other animals. On numerous occasions within the last year I have seen herds of deer in the backyard. There was one incident during the winter when I went out to the shed to put some tools away, and when I came out of the shed I saw 3 deer standing there in the middle of the yard. I made some noise to scare them off, but they wouldn't move. I was concerned for a moment they might attack, but I waited few minutes and walked around them. I want to take all measures possible to keep the deer out because I don't want them to become a danger to myself or anyone on the property.

Furthermore, I am asking to install a 6' fence is that I don't want anyone coming into my yard that is not welcomed and getting hurt accidentally. In the event that someone hopped the fence to get in my backyard and fell broke their wrist, twisted an ankle, tripped over something and hit their head, etc., I don't want to be in a position in which I am held responsible for them getting hurt. An example would be if there is a 4' fence, and a ball goes over into our yard, it would be a lot easier for someone to attempt to jump the fence to get their ball. This could potentially get them hurt while jumping over (not to mention could damage the fence as well). On the contrary, I don't want to worry about my kids playing in the yard and having a ball fly into the street, causing a potentially dangerous situation when it could have been avoided by having a taller 6' fence.

The second reason I am asking for permission to install a 6' fence is for privacy. The way the backyard is set up right now, even with the existing 4' fence, you can see our entire backyard from the road. Not only can you see the entire yard from the road, but you can see through our patio doors, into the living room. Anyone can see through these doors just walking down the street. My neighbors can easily look into our living room from their yard as well. This provides

no privacy for when I am sitting downstairs watching TV, exercising, etc. Also, there is no privacy for when we host a family event and are outside. All the neighbors and anyone coming down the street can see everything that is going on, and we would like to have a 6' fence so we can have more privacy.

Furthermore, our neighbors have 2 dogs. Every time I go into the backyard the dogs start barking at me. The barking will last until the owners take them inside or I go inside. This happens even with the existing 4' fence up. Also, in the near future, I want to get a dog and would like to have a 6' fence. I believe a 6' fence would prevent any dogs from trying to jump over. I also don't want to worry about having my dog in the backyard running around and someone tries to hop over a 4' fence to get a ball and the dog attacks them. These are preventative measures that I am trying to take, and a 6' fence would help prevent potential issues.

The third reason I am asking for permission to install a 6' fence along the perimeter of my backyard is to keep unwanted guests of my property. Although I have already mentioned this in the first reason, I wanted to go into further details of things I have already seen since living here. I can think of three different occasions within the last year in which I found tennis balls in my yard, and a volleyball. One of those times I watched the tennis ball bounce and go over, and a kid hopped the fence to get it. I didn't say anything to him because he was quick getting the ball, but that confirmed in my mind that I needed a higher fence. I don't want to live in this house and have to worry every spring and summer about kids hopping over the fence because their ball came into my yard.

Furthermore, although I mentioned deer above as well, I wanted to go into further details about the deer. While cleaning the backyard this spring I found deer track/prints all over the backyard. In two different spots of the back yard the grass needed to be re-grown because their imprints destroyed the lawn. Although I was not happy about having to reseed those spots in the back yard, my biggest concern is the deer feces that I am finding in the yard. This is a major concern because it is a health issue, and with kids running around the backyard I don't want them stepping in it or getting it on them. A 6' fence would prevent the deer from coming into our backyard.

My final reason for asking to install a 6' fence around the perimeter of the backyard is because of curb appeal, and it still is a backyard. I understand that the town views corner lots as two front yards, but the backyard is where I want to spend time playing with my kids, hosting events, using it as a spot to "get away" when I've had a long day, etc. and would like the privacy of a 6' fence to do those things. There are times I am sitting on the patio relaxing, trying to unwind from a long day, and I can see/hear the cars coming down the street and see all the walkers walking by. This is only yards away from where I am sitting. A 6' fence would provide me with the privacy I am looking for.

As far as curb appeal, I think the 6' privacy fence on the corner lots look nice, and could add to the attraction to the property/neighborhood. I drove around the neighborhood the other day and found 8 corner lots with 6' privacy fences along the same locations I am asking for, and one of those houses is across the street (on the corner of Garry and Fawn Trail). I would like to do the same with my property.

The last thing I want to ask for in this letter is permission to extend the 6' fence from the corner of the house to the sidewalk. There is currently an existing fence there that I would like to replace in the same location, and it extends 32 feet from the corner of the house to the sidewalk and runs along the sidewalk down the property. I am also asking for this distance because it will help prevent people from cutting across my lawn while walking on the sidewalk. I grew up on a

corner lot and would see kids riding their bikes across the lawn (at a 45 degree angle) instead of just riding down the sidewalk and turning (90 degrees) when they got to the corner. Lastly, I am asking for this distance because at 28 feet there is a gas line underground. National fuel told me I need to stay 2 feet away from the marked line. Keeping the 6' fence in the existing spot that the 4' fence is now would be the perfect distance and location.

Thank you for taking the time to listen to my request. I would like to express how grateful and appreciative I would be if granted permission to install a 6' fence around the perimeter of our backyard, and extend it out to the sidewalk. I look forward to many years in West Seneca, and creating memories with my family to last a lifetime.



This is the 6' fence along the area I am already permitted to work on.

Miscellaneous Notes

- (MN1) Some features shown on this plat may be shown out of scale for clarity.
- (MN2) Certain easements and/or utility lines, may or may not be shown hereon, however this shall not imply that all easements or utilities affecting premises are shown.
- (MN3) Unauthorized Alteration or Addition to this Survey Map is a Violation of Section 7209 Provision 2 of the New York State Education Law.
- (MNA) This Survey was prepared without the benefit of an up-to-date abstract of title and is subject to any state of facts that may be revealed by an examination of such.
- (MNB) THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE

Legend of Symbols & Abbreviations

IP / Retrod	North	Enc.	Encroachment
Power Pole	South	R/W	Right-of-way
Light Pole	East	C	Centerline
Traffic Signal Box	West	Z	Indicates Mutual Owner
Gas Valve	Pl. or Min.	N/F	New or Formerly
Storm Inlet	ft. or Sec.		One Chain = 66.0 Ft.
Fire Hydrant	Record		One Meter = 3,280.8333 Ft.
Water Valve	Meas. Measured		One Acre = 43,560.0 Sq.Ft.
Sanitary Manhole	Lib.		
Valve	Pg.		
Sign	Ex.		
	Property Boundary		
	Line of Record		
	Edge of R.O.W.		
	Holland Land Co. Lot Line		
	Road Centerline		
	Fence Along Line		

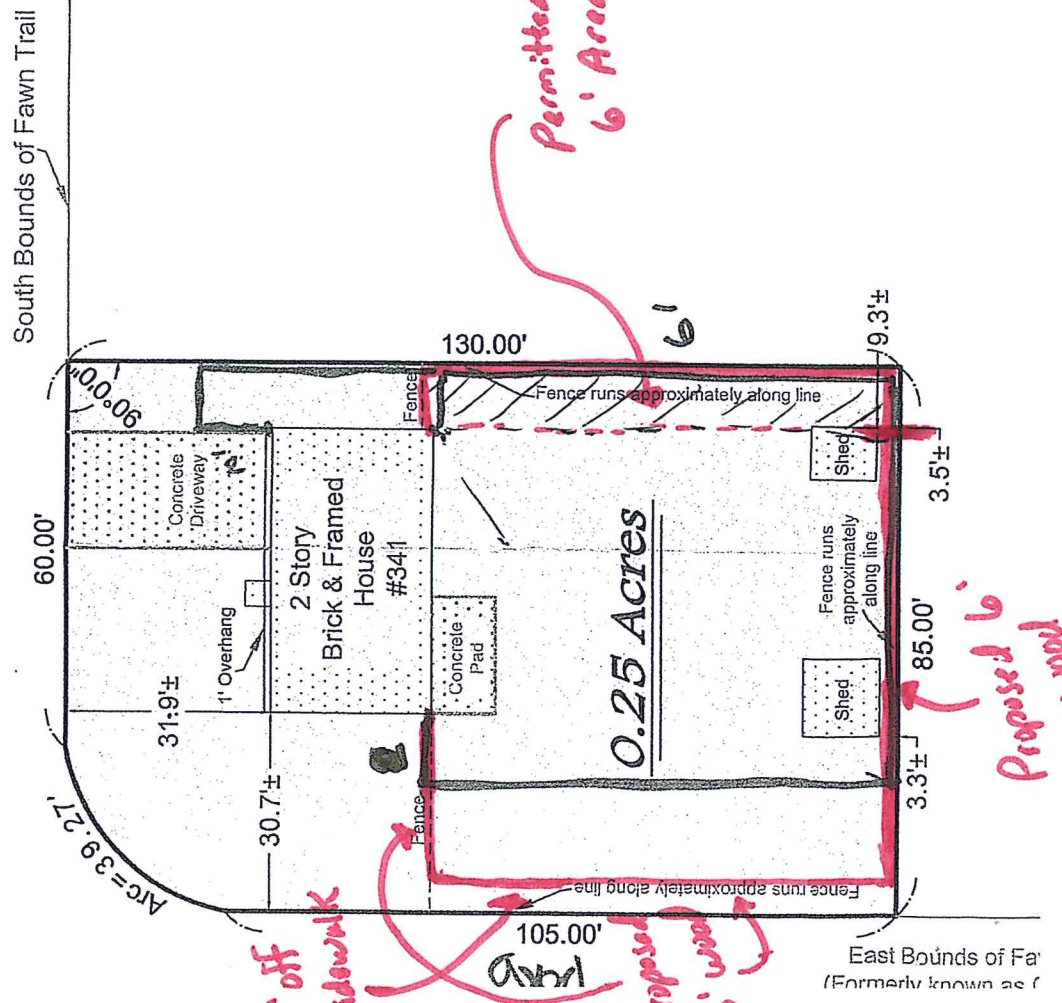
Survey

Being Part of
 Cover No. 2295 - Subd. Lot 87
 Lot 594 Township 10 Range 7
 Buffalo Creek Reservation
 Town of West Seneca
 Erie County, New York

Surveyor's Certification
 I hereby certify
 that this survey was prepared in accordance with the current Code of Practice for
 Land Surveyors.
 This certification does not extend to subsequent owners, mortgages, or insurers
 unless this survey has been re-surveyed for this purpose by the surveyors. This
 certification is void unless signed by the surveyor listed below. This certification is

David Freeman Land Surveyors
 1 - Glenwood, N.Y. 14069
 10 - Email: David@FreemanSurveyors.com

Fawn Trail (60' ROW)



East Bounds of Fawn Trail (Formerly known as Fawn Trail)